

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

IN RE: THE STATION FIRE IN  
WEST WARWICK, RHODE ISLAND  
ON FEBRUARY 20, 2003

M.P. NO. 03-1326

**JOINT NOTICE FOR REMOVAL**

McLaughlin & Moran, Inc., Anheuser-Busch, Inc. and Clear Channel  
Broadcasting, Inc. (the "Removing Parties") by their undersigned attorneys, hereby give Notice  
of Removal of this action to the United States District Court for the District of Rhode Island  
pursuant to 28 U.S.C. § 1369, 28 U.S.C. § 1441(e), and 28 U.S.C. § 1446. In support thereof, the  
Removing Parties state as follows:

**INTRODUCTION**

1. On November 2, 2002, Congress enacted the Multiparty, Multiforum Trial  
Jurisdiction Act of 2002 ("MMTJA") to expand the original jurisdiction of federal courts to  
include mass disaster litigation that involved 75 or more deaths. Congress had learned from  
prior experience that traditional diversity jurisdiction could not provide a "just, speedy and  
inexpensive" legal process in mass disaster cases. The additional jurisdiction is intended to  
avoid conflicting and multiple filings in multiple state and federal courts and allow for  
consolidation to the extent possible of the whole case in a single court, where the same equal  
justice can be applied to everyone as efficiently as possible.

2. On February 20, 2003, a pyrotechnic display set off by the band Great White  
ignited a fire at The Station nightclub located in West Warwick, Rhode Island. The fire resulted  
in the deaths of 100 people and allegedly injured many more.

3. Within weeks, lawsuits were filed in Rhode Island state court, Rhode Island federal court and Connecticut federal court. The actions pending in this Court are assigned to the Honorable Ronald R. Lagueux, who stayed all discovery and responsive pleadings on July 30, 2003, pending resolution of jurisdictional issues.<sup>1</sup> Many more suits are imminent.

4. The actions already filed include many common defendants, including McLaughlin & Moran, Anheuser-Busch, Inc. and Clear Channel Broadcasting, Inc. ("Clear Channel"). Many of the defendants named in suits to date – including the band, its members, its management and the fireworks supplier – are from out of state.

5. Three Miscellaneous Petitions (the "Miscellaneous Petitions") have also been filed in Providence County Superior Court. Two were filed on behalf of fire victims from Rhode Island and Ohio. One was filed on behalf of "unnamed defendants."<sup>2</sup>

6. These three Miscellaneous Petitions do not formally name any particular defendants. No third parties, including the Removing Parties, were served with summonses or copies of the Petitions. The Removing Parties accordingly have not participated in these Miscellaneous Petition proceedings.

7. Initially, the Miscellaneous Petitions sought to collect and preserve evidence from The Station fire site. That effort has concluded. The evidence has been collected, preserved and secured. Since then, however, at the request of petitioners, the Superior Court

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<sup>1</sup> In accordance with Local Rule 31, a Notice of Pendency Of Other Actions Or Proceedings is attached hereto as Exhibit A.

<sup>2</sup> A fourth miscellaneous petition was also filed in Providence County Superior Court on behalf of Renee C. Walton, seeking initial inspection. In Re Station Fire, M.P. No. 03-1401. That petition is not cited in the Superior Court's recent orders or in the subpoenas served on the Removing Parties. There are no filings beyond the petition, itself. As that matter appears inactive, it has not been removed.

issued decisions and orders that allow petitioners to go beyond the mere preservation of evidence and instead take depositions and test evidence.

8. Various plaintiffs' attorneys, on behalf of named and unnamed injured parties who intend to file suits arising from The Station fire, have sought and obtained orders respecting the coordination and organization of efforts among "plaintiffs'" counsel, appointment of Interim Lead Counsel for "plaintiffs", appointment of a "Plaintiffs' Steering Committee," appointment of a "Liaison Counsel" for "defendants," inspection and testing of evidence collected from The Station site, and leave to take depositions for the ostensibly limited purpose of identifying potential defendants for later lawsuits. See Super. Ct. Docket, Tab Nos. 5, 6, 8, 10, 11, 22, 23, 25, 27 and 35.<sup>3</sup>

9. On July 29 and 30, some of the Removing Parties were served with deposition subpoenas, bearing the caption of the three Miscellaneous Petitions, which seek testimony and the production of various documents on a wide range of subject matters. The service of these subpoenas was the first time the Miscellaneous Petitioners ever served McLaughlin & Moran or Anheuser-Busch with any pleading or paper in the state court proceedings. (Similar depositions were noticed on other parties as well, including Manic Music Management, Inc., Strawberries, Rhode Island, Inc. and Derco, LLC.) These subpoenas and deposition notices are attached as Exhibit B.

10. As a result of: (1) the various Superior Court orders which have transformed discrete actions for the collection and preservation of evidence into much broader civil actions;

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<sup>3</sup> Pursuant to Local Rule 36 and General Order 2003-01, the Removing Parties will submit a certified copy of the State Court Docket Sheet, together with tabbed and numbered certified copies of the documents filed with the Superior Court. To minimize the number of attachments to this Petition, Removing Parties will refer to Docket Tab Numbers from the Superior Court record where possible.

and (2) the service of subpoenas and various deposition notices, the Removing Parties file the instant Notices of Removal to bring these so-called Miscellaneous Petitions before this Court to secure coordinated and efficient resolution of discovery and pretrial proceedings in the various pending and future actions and the full and complete participation of all interested parties.

11. The Federal Court is the *only* court that can consolidate and hear all the lawsuits presently filed, and to be filed, in various state and federal courts arising out of The Station fire. All of the litigants – Plaintiffs and Defendants alike – are entitled to the benefits of the new system envisioned by the MMTJA.

### **THE MISCELLANEOUS PETITIONS**

12. The first miscellaneous petition, In Re: The Station Fire, M.P. No. 03-1326, is the subject of this Notice of Removal. It was filed in Providence County Superior Court on March 14, 2003 on behalf of three named petitioners, Luis F. and Mary A. Alves, citizens of Rhode Island and parents of Louis S. Alves who died in the fire, and Robert W. Rager, a citizen of Ohio who was allegedly injured in the fire. See Super. Ct. Docket, Tab No. 1.

13. The second miscellaneous petition, In Re: The Station Fire, M.P. No. 03-1346 is the subject of a simultaneously filed Notice of Removal. It was filed in Providence County Superior Court on March 17, 2003 on behalf of six parties: (1) Judith O'Brien, a citizen of Rhode Island and mother of Robert Reisner who died in the fire; (2) Lawrence Fick, a citizen of Michigan, as father and guardian of Samantha and William Fick, the minor children of Charlene Fick who died in the fire; (3) Deborah Lemay, a Rhode Island citizen; (4) Claire Bruyere, a citizen of Rhode Island, and the mother of Bonnie Hamlin who died in the fire; (5) Nancy Lee, a citizen of Rhode Island and mother of Christopher Prouty who died in the fire; and (6) Michael Perreault, a citizen of Rhode Island.

14. Both Miscellaneous Petitions filed on behalf of fire victims state that the petitioners intend to prosecute civil claims for wrongful death and personal injuries arising out of The Station fire. See Supr. Ct. Docket, Tab No. 1.

15. No adverse parties were named in the above two petitions. Further, Petitioners have never served the Removing Parties with a summons or a copy of the Petitions, nor with any pleadings in these matters (except the above-referenced subpoena).<sup>4</sup>

16. These two petitions originally sought an order allowing their experts to enter upon the site of The Station nightclub fire to conduct a forensic fire investigation and permitting a subpoena duces tecum to television station WPRI for a copy of video recordings of The Station. Super. Ct. Docket, Tab No. 1.

17. The third Miscellaneous Petition, In Re: The Station Fire, M.P. No. 03-1431, is also the subject of a simultaneously filed Notice of Removal. It was filed in Providence County Superior Court on March 20, 2003 on behalf of certain unknown and unnamed manufacturers who allege they may be subject to future litigation.

18. The third Miscellaneous Petition, likewise, named no defendants, nor was it served on the Removing Parties. This Miscellaneous Petition sought as relief only “that the Court enter an order allowing access to the fire scene under the same requirements and procedures as potential plaintiffs and any other party.”

19. The inspection of The Station site, and the collection and safeguarding of evidence collected from that site, have been completed. The Superior Court abandoned control of the site on May 6, 2003. The evidence collected from the site is stored in a secured

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<sup>4</sup> Plaintiffs’ Lead Counsel have frequently commented – both in legal filings and in statements to the media – that they have identified many potential Defendants. But plaintiffs’ Lead Counsel have persistently eschewed naming any defendants in the Miscellaneous Petitions.

warehouse. See Super. Ct. Docket, Tab Nos. 5, 8 and 20. Nonetheless, the state court Petitioners continued to seek further diverse relief.

20. All of the Superior Court matters are being handled at the same time and in the same way by the Hon. Judge Alice Gibney, who acts pursuant to an Administrative Order issued by Hon. Presiding Justice Joseph Rodgers, Jr. on March 4, 2003.<sup>5</sup> Acting under this order, Judge Gibney has issued a series of Case Management Orders, each of which applies to all “causes” – filed and unfiled alike.<sup>6</sup>

21. On May 9, 2003, the Superior Court entered its “Pretrial Order No. 1 (Preliminary Case Management Order),” Super. Ct. Docket, Tab No. 22, to establish a “preliminary structure and case management procedure” as “the case presents the likelihood of significantly complex litigation.” That Order stated that:

This order shall apply to and govern all pending actions, petitions relating to or arising from the February 20, 2003 Station fire as well as any actions that may be filed in the future.

That Case Management Order appointed Interim Lead Counsel for the potential plaintiffs. It also appointed an Interim Liaison Counsel for “defendants.” The Removing Parties do not know who

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<sup>5</sup> That Order reads *in toto*:

In re: LITIGATION AS A RESULT OF THE FIRE AT THE STATION IN WEST WARWICK  
ON FEBRUARY 20, 2003

ASSIGNMENT OF JUSTICE FOR MULTI-CASE MANAGEMENT

*All such causes of action* filed in the Superior Court are assigned to the Honorable Alice Bridget Gibney in Providence for the purpose of managing, supervising, scheduling and disposing of any and all pre-trial motions pertaining to such *causes*.

Ms. Justice Gibney is empowered to issue special orders for the due administration of these *causes of action*. [emphasis added]

<sup>6</sup> The Superior Court Case Management Orders bear a single caption which includes the several Miscellaneous Petition Numbers. It appears that no Motion to Consolidate was ever filed, apparently because Judge Rodgers’ order was considered a sufficient basis to include automatically any Station-related case of any kind.

the "Liaison Defense Counsel" appointed by the Court represents or whether and to what extent that party's interest may align or diverge with theirs. Liaison Defense Counsel's client has yet to be sued in the Superior Court and, accordingly, he is not authorized to divulge the identity of his client.

22. As part of their investigatory efforts, Interim Lead Counsel for "plaintiffs" sought to serve certain deposition notices on various officials and entities connected to the Town of West Warwick. The Town objected. See Super. Ct. Docket, Tab Nos. 27, 29 and 30.

23. On June 25, 2003, the Superior Court issued a written decision in the Miscellaneous Petitions authorizing the pre-filing depositions of the Town, but only after the adoption of a "Discovery Plan." That decision is attached as Exhibit C.

24. In that decision, the Superior Court held:

- "This Court considers the *potential plaintiffs as parties to this litigation*. This Court will continue to exercise jurisdiction over this *litigation* until it is instructed otherwise";
- "... *discovery* is necessary and is the next logical step...";
- "... a discovery plan should be in place before proceeding with such discovery...";
- ... "Rule 26(f) requires a *meeting of counsel for the purpose of developing a discovery plan* for submission to the court...";
- "As soon as the discovery plan is in place, the requirements of Rule 26, including those with regard to conferring with the affected *parties* prior to filing with this court to resolve disputed issues of discovery, will necessarily be in full effect."

(Emphasis added.)

25. Thereafter, pursuant to that written decision, on July 14, 2003 the Superior Court entered an Order captioned "Interim Pretrial Discovery Plan," attached hereto as Exhibit

D, to allow for “limited discovery until its adoption and approval of a Pretrial Discovery Plan.”

That order states, in part, that:

... depositions shall be conducted only for the stated purpose of obtaining documents and related items. Therefore, only questions related to the identity of documents, their location and effort made to locate them, ***and to determine the identity of potential defendants are permitted***, and no other testimony will be asked for or elicited without further order of this court. (Emphasis added.)

26. Pursuant to that order, some of the Removing Parties (McLaughlin & Moran and Anheuser-Busch, Inc.) were served with subpoenas to appear at depositions to be taken in furtherance of filing lawsuits stemming from The Station fire. See Exhibit B. Deposition notices were issued concerning other parties as well. See Exhibit B.

27. These subpoenas call for testimony concerning and the production of, among other things, the following:

- contracts relating to The Station and the Great White concert;
- contracts and communications among and between the various Removing Parties, other entities, Great White or The Station;
- documents relating to the Great White concert of February 20, 2003;
- documents relating to other concerts at The Station;
- documents reflecting expenses incurred in connection with the Great White concert;
- documents identifying the identities of employees who participated in the promotion of the Great White concert;
- documents respecting the Removing Parties' prior knowledge of Great White's use of pyrotechnics;
- indemnity contracts; and
- contracts of insurance.

In short, the subpoenas seek the types of records and information plaintiffs would seek in a civil action seeking recovery for injuries from The Station fire.

28. On July 11, 2003, the Superior Court entered a second order attached hereto as Exhibit E. That eight-page order sets forth so called “Protocols” for “Testing and Evidence Handling” – including possible destructive testing – of materials collected from The Station fire site.

29. Amongst the provisions in this second July 11th order are:

- provisions for possible removal, modification, assembly, disassembly or destructive testing of samples, even if “there will not be left a sufficient sample to perform the same or similar test at a later time”;
- a restriction allowing only parties who have disclosed their identities in the State Court Miscellaneous Petition proceedings to participate in testing; and
- a restriction on sharing information obtained from the warehouse with any lawyer who has not agreed to participate in the funding mechanisms previously adopted by the Superior Court.

#### **The Related Original Federal Court Actions**

30. The Removing Parties are presently parties in Passa v. Jeffrey Derderian, et al., C.A. No. 03-148/L, pending before Judge Lagueux. The Passa action was originally filed in this Court on April 22, 2003 on behalf of three plaintiffs, two of whom were injured in the fire and a third whose husband died in the fire. Subject matter jurisdiction in the Passa action is based on 28 U.S.C. § 1369.

31. On June 5, 2003, a second original federal court action was filed in the United States District Court for the District of Connecticut, Henault v. American Foam, 03CV00999DJS, seeking damages for injuries resulting from the fire. The Removing Parties were named and served in that action. Other named defendants in that action include: American

Foam Corporation; Barry H. Warner; Triton Realty; the Derderians and Derco; Manic Music Management; Great White band members; Knight Records; Luna Tech, Inc. and Luna Tech Pyrotechnic, GmbH; Citadel Communications; Shell Oil Company and its subsidiary Motiva Enterprises, LLC; the Town of West Warwick; the State of Rhode Island; and various state and local inspection officials. Relevant pages of that lengthy complaint are attached hereto as Exhibit F.

### **The Removed State Court Cases**

32. On March 10, 2003 plaintiff, Ronald Kingsley, for Zoe Jean Kingsley, a minor, and the beneficiaries of decedent Lisa Kelly, filed an action seeking damages for the death of Lisa Kelly at The Station on February 20, 2003.

33. On May 30, 2003, Anheuser-Busch removed the Kingsley action to this Court. McLaughlin & Moran joined in that Notice of Removal on June 30, 2003. That case is pending before Judge Lagueux, docketed as C.A. No. 03-CV-208/L.<sup>7</sup> Clear Channel Communications, Inc. is also a named party in that proceeding.

### **SUBJECT MATTER JURISDICTION**

34. This Court has jurisdiction over these Miscellaneous Petitions under the newly enacted Multiparty, Multiforum Trial Jurisdiction Act of 2002 ("MMTJA"), that became effective on January 31, 2003. The MMTJA vests federal courts with original jurisdiction over

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<sup>7</sup> On May 30, 2003, Anheuser-Busch also removed to this Court an action filed by Joseph K. Kinan And Maureen Sullivan, As Mother And Next Friend Of The Minor Kaitlin E. Sullivan. However, on July 7, 2003, plaintiffs voluntarily dismissed that action, C.A. No. 03-CV-207/L, without prejudice.

actions involving a single accident at a discrete location resulting in the death of at least 75 persons. 28 U.S.C. § 1369 (2003).<sup>8</sup>

35. This Court has subject matter jurisdiction over these petitions under Section 1369(a) which provides that:

The district courts shall have original jurisdiction of any civil action involving minimal diversity between adverse parties that arises from a single accident, where at least 75 natural persons have died in the accident at a discrete location, if (1) a defendant resides in a State and a substantial part of the accident took place in another State or other location, regardless of whether that defendant is also a resident of the State where a substantial part of the accident took place; (2) any two defendants reside in different States regardless of whether such defendants are also residents of the same State or States; or (3) substantial parts of the accident took place in different States.

28 U.S.C. § 1369(a)(1)-(3) (2003).<sup>9</sup>

36. Minimal diversity exists in these Miscellaneous Petitions because: (1) they are filed on behalf of petitioners from Ohio and Rhode Island; and (2) McLaughlin & Moran is a citizen of Rhode Island, Anheuser-Busch, Inc. is a citizen of Missouri, Clear Channel is a citizen of Nevada, and many of the already named and potential defendants come from a variety of different states. For example, of the defendants already named in the pending lawsuits: the band Great White, their tour manager, and their record company are California citizens; the alleged manufacturers of the pyrotechnics, Luna Tech, Inc. and its parent company, Luna Tech Pyrotechnik GmbH, are alleged to be citizens of Alabama and Germany, respectively; Shell Oil Company's subsidiary, Motiva, Inc. is a citizen of Texas; Citadel Communications, Inc. is

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<sup>8</sup> The purpose of the MMTJA is to create a mechanism by which all actions of this type can be resolved together in a single federal forum. *House Conference Report* 107-685; Public Law 107-273, Sec. 11020; Multiparty, Multiforum Trial Jurisdiction Act of 2002.

<sup>9</sup> Section 1369(b), which requires the Court to abstain in certain specified circumstances does not apply here because of, among other things, the varied citizenship of the parties involved.

alleged to be a citizen of Nevada; and Strawberries, Inc. is incorporated in Delaware with a principal place of business in Massachusetts.

37. Jurisdiction in this Court is proper under two of the three independent bases set forth in § 1369(a). The requirement of § 1369(a)(1) is satisfied because the residency of two of the Removing Parties, Anheuser-Busch and Clear Channel, are residents of states different from the state where a substantial part of the accident occurred.

38. In addition, Section 1369(a)(2) is satisfied because at least two of the Removing Parties (and also the already named or identified defendants) reside in different states.

#### **REMOVAL AUTHORITY**

39. The Federal Court thus being vested with original jurisdiction, this action is removable under 28 U.S.C. § 1441(e)(1) which provides for removal if:

(A) the action could have been brought in a United States court under section 1369 [of title 28]; or (B) the defendant is a party to an action which is or could have been brought, in whole or part, under section 1369 in a United States district court and arises from the same accident as the action in the State court, even if the action to be removed could not have been brought in a district court as an original matter.

40. Removal is proper under Section 1441(e)(1)(A) because the parties to the Miscellaneous Petitions could have originally brought suit in federal court under Section 1369.

41. Removal is also independently proper under Section 1441(e)(1)(B) because the Removing Parties are parties to two suits – Passa and Henault – which assert jurisdiction under Section 1369 and arise out of the same accident as the Miscellaneous Petitions.

42. Further, targets of discovery may remove pre-filing petitions seeking discovery where the underlying cause of action would be subject to removal. See, e.g., Dublin Worldwide Productions (USA), Inc. v. JAM Theatricals Ltd., 162 F.Supp. 2d 275 (S.D.N.Y.

2001); Carryn v. Real Parties in Interest, 110 F.Supp. 2d 514 (E.D.Tx. 2000); Christian, Klein & Logbura v. NASD, 970 F.Supp. 276 (S.D.N.Y. 1997). But see, e.g., Manhasset Office Group v. Banque Worms, 1988 U.S.Dist. LEXIS 10746 (E.D.N.Y. 1988).

43. Further, via its prior orders, the Superior Court has declared that the *same principles, rules and orders now apply* both to all pending and any future Superior Court civil actions, including these Miscellaneous Petitions. The Superior Court has drawn no distinction between traditional lawsuits and the Miscellaneous Petitions. Likewise, the MMTJA – federal legislation enacted specifically to address this type of litigation – draws no distinction. Rather, it expands removal practice to allow for the removal of actions “even if the action to be removed could not have been brought in a district court as an original matter.” 28 U.S.C. § 1441(e)(1)(B).

44. This Notice of Removal is timely under Sections 1441(e) and 1446 as the Removing Parties served with subpoenas were served on July 29 and 30, 2003.

45. Because the United States District Court is the single appropriate – *and the only possible* – forum where the *entire* Station fire litigation can to be comprehensively managed and resolved, the Miscellaneous Petitions should be before this Court.

46. The plain language of § 1441(e) vests the right of removal in “a defendant” in the singular and thus allows any single defendant to remove without requiring the consent of any other defendants.

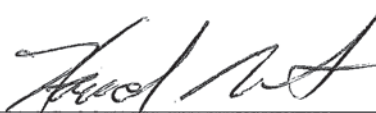
#### **COMPLIANCE WITH PROCEDURAL REQUIREMENTS**

47. Pursuant to Rule 36 of the Local Rules of the District of Rhode Island for the United States District Court, the Removing Parties will file within the next ten days a certified copy of all state court docket entries and certified copies of all state court records and proceedings.

48. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is also being filed with the Clerk of the Superior Court of Providence County, Rhode Island and the Removing Parties will also promptly give written notice to other parties of the filing of this Notice of Removal.

49. By removing this action to this Court, the Removing Parties do not waive any available defenses.

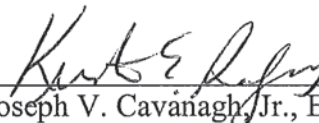
50. The Removing Parties reserve the right to amend or supplement this Notice of Removal.



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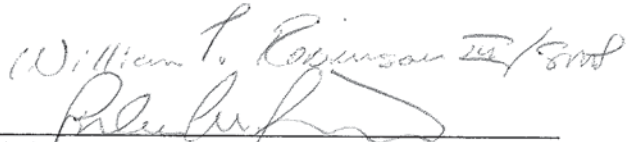
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I hereby certify I caused to be served on the above-named counsel a copy of the within Joint Notice for Removal by mailing first-class mail, postage prepaid, on the 7th day of August, 2003.

Sharon R. Boyd

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**(a) PLAINTIFFS**

IN RE: THE STATION FIRE IN WEST WARWICK,  
RHODE ISLAND ON FEBRUARY 20, 2003

**DEFENDANTS**

N/A

MISC

03

0702

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(M.P. No. 03-1326)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT \_\_\_\_\_

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

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ATTORNEYS (IF KNOWN)

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**I. BASIS OF JURISDICTION**

(PLACE AN "X" IN ONE BOX ONLY)

- 11 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)  
12 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)  
X 28 U.S.C. § 1369

**III. CITIZENSHIP OF PRINCIPAL PARTIES**

(For Diversity Cases Only)

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- |   |                            |                            |   |                            |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
|   | PTF                        | DEF                        |   | PTF                        | DEF                        |
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**V. NATURE OF SUIT** (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contractual Rights <input type="checkbox"/> 195 Contract Provisions	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Personal Injury	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Employment <input type="checkbox"/> 443 Housing <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>HABEAS CORPUS:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS — Third Party 26 USC 7609

**ORIGIN**

(PLACE AN "X" IN ONE BOX ONLY)

- 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

**I. CAUSE OF ACTION**

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

28 U.S.C. § 1369; 28 U.S.C. § 1441; 28 U.S.C. § 1446

**II. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 ☐

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☐ NO

**III. RELATED CASE(S) IF ANY** (See instructions):

JUDGE Lagueux  
Lagueux

DOCKET NUMBER 03-148  
03-CV-208/L

DATE

August 6, 2003

SIGNATURE OF ATTORNEY OF RECORD

*[Signature]*

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG JUDGE \_\_\_\_\_

U. S. No. 25 00  
Pay to the order of Federal Reserve Bank of  
General Depository for credit to  
United States Treasury Symbol 4670

Thu Aug 7 14:50:32 2003

UNITED STATES DISTRICT COURT

PROVIDENCE, RI

Receipt No. 100 54878  
Cashier faccabe

Check Number:

EO Code Div No  
4670 1

Sub Acct	Type	Tender	Amount
1:006900	N	2	60.00
2:510000	N	2	30.00

Total Amount \$ 90.00

VETTER & WHITE

WISC. CASE FILING FEES IN NO. 03-70, L  
03-71 L & 03-72 L

en